

(e) Agricultural Outreach Plan (AOP). Each state agency must develop an AOP every four years as part of the Unified or Combined State Plan required under section 102 or 103 of WIOA. The AOP must include –

(1) Assessment of Need. Provide an Assessment of the unique needs of farmworkers in the area based on past and projected agricultural and farmworker activity in the State. Such needs may include but are not limited to: employment, training, and housing.

(A) An assessment of the agricultural activity in the State means: 1) identifying the top five labor intensive crops, the months of heaviest activity, and the geographic area of prime activity. 2) Summarize the agricultural employer's needs in the State (i.e. are they predominantly hiring local or foreign workers, are they expressing that there is a scarcity in the agricultural workforce); and 3) Identifying any economic, natural, or other factors that are affecting agriculture in the State or any projected factors that will affect agriculture in the state.

Assessment of Need

South Dakota has long been regarded as one of the most agriculturally-centered states in the country. It is the #1 industry in South Dakota and has been since statehood in 1889.

There are approximately 31,700 farms in South Dakota. Ninety-eight percent of these farms are family-owned and operated. More than 2,500 of the farms still in operation have been in the same family for over 100 years. The average size of farms in South Dakota is approximately 1,353 acres with approximately 46,000 producers working on the farms. Every year, each producer in South Dakota produces enough food to feed 155 people in the U.S. and abroad.

Agriculture is the life-blood of South Dakota. It had a \$25.6 billion impact on the state's economy in 2014. With more than 19 million acres of cropland, and 23 million acres in pastureland, farmers and ranchers of this state are our economy's key drivers. In addition to generating more than 20% of the state's economic activity, production agriculture and its value added industries employ over 122,000 South Dakotans. This economic impact is a direct result of our production capacity and investment in value-added industries. Businesses ranging from ethanol plants and livestock feeding operations to farmers' markets and wineries, are capitalizing on agriculture's competitive and comparative advantages for economic development in South Dakota.¹

Agricultural Activity by the Numbers

South Dakota continually ranks in the top 10 states agriculturally. In 2014, the state's top five rankings in agriculture were:

- #1 – Bison production, Oat production, and Sunflower production;
- #2 – Hay [Alfalfa] and Honey;
- #3 – Millet production, Flaxseed production, and Wheat [Spring] production
- #4 – Beans [dry, edible Navy] production, Hay [all types], Wheat [all types];
- #5 – Beef Cattle, Calf crop, Lamb Crop, Popcorn production

Source material: South Dakota Department of Agriculture, *South Dakota Agriculture Report 2015*

Obviously, the list of the top five crops/animal production are not considered labor intensive in terms of *manual* labor and thus the heavy need of Migrant or Seasonal farmworkers. South Dakota has few, if any, large-production crops that require field labor for planting and harvesting such as onions, lettuce, spinach, radishes, and other hand-planted and harvested fruits and vegetables.

Of the crops and livestock listed, South Dakota is physically and agriculturally separated by the Missouri River. South Dakota, to its inhabitants, is often referred to as East River and West River. East River ag production is generally smaller farms and ranches with more crop production than livestock, while West River ag production is the opposite – large ranches and large-animal production with much smaller crop production (except for hay) than one would see in the East.

Based on agricultural employer activity in PY2014 (last fully completed program year at the writing of this AOP) in DLR Local Offices, agricultural employers placed 406 seasonal job orders. However, of those job orders, 124 were H2A related (anticipated to be filled with requested foreign workers, but recruitment is made for US Domestic workers). H2A is primarily used in lieu of year-round workers to help fill peak load need of the farmer or rancher. That is to say, most H2A workers in the state are requested for planting (normally late April and May) and for harvest needs (normally October and November).

Otherwise, most agricultural employers who can attract and maintain year-round farm help, particularly those engaged in both crop and livestock production will do so since these activities are year-round. However, past years have seen ag producers' concerns, and the reason for needing to use foreign workers, was lack of interest shown by individuals of staying with an ag job, individuals no longer wanting to live in a rural area of the state, and higher paying job opportunities with benefits outside the more rural areas in South Dakota.

The high percentage of H2A applications through the Foreign Labor Certification program administered by DLR and ETA in SD reflects the changes caused by the growing diversity of South Dakota's economy, mobility of individuals, interest in

agriculture by individuals, and an aging ag producer population. Regardless of the reasons, DLR remains committed to providing opportunities to both agriculture producers needing permanent employees and individuals looking for a career in agriculture. For those individuals who are identified as migrant or seasonal employees, DLR will assist these individuals by promoting training either through WIOA Title I or WIOA 167 Farmworker Jobs Training Program (FJTP). Activities and partnerships will be discussed later in this AOP.

(B) An assessment of unique needs of farmworkers means summarizing MSFW characteristics (including if they are predominantly from certain countries, what language(s) they speak, the approximate number MSFWs in the state during peak season and during low season, and whether they tend to be migrant, seasonal, or year-round farmworkers). This information must take into account data supplied by WIOA Section 167 National Farmworker Jobs Program (NFJP) grantees, other MSFW organizations, employer organizations, and State and/or Federal agency data sources such as the U.S. Department of Agriculture and the U.S. Department of Labor (DOL) Employment and Training Administration.

The migrant populations, particularly those that meet the definition of MSFW under Section 167, have been in livestock and poultry processing, hog farming and confinement, small grain harvest, and more recently in the northeastern area of the state, dairy farms. Large nurseries in the east-central and southeastern side of the state have attracted some migrants. BHSSC does reach out to these individuals, advises them of WIOA 167 services, as well as DLR services.

The most recent sample of BHSSC NFJP participants illustrated the average income at program entry for a family of five (average family size) is approximately \$18,000 per year. Ninety percent of the heads of household are male, and over 86percent are high school dropouts. Sixty-five percent have limited English proficiency. Most migrants that are contacted by case managers are from Mexico, Honduras, Guatemala, and El Salvador. The predominant language is Latin America Spanish.

The most common barriers to employment to MSFWs, cited by BHSSC outreach workers (case managers), towards gains in substantial employment are;Lack of technical or marketable skills;

- Limited education levels;
- Limited work experience outside of agriculture;
- Limited English proficiency;
- Limited personal and financial resources, and;
- Access to needed employment, training, and family services.

The overall goals and objectives of the BHSSC NFJP include serving at least 300 eligible farm workers per year. Through effective strategies, including optimum job placements based on the utilization of current Labor Market Information supplied by

DLR, On-the-Job training (OJT), and formal education at the State's Technical Institutes, the BHSSC NFJP has consistently met all federally prescribed performance standards (currently 91.02 percent Entered Employment Rate, 90.32 percent for Employment Retention Rate, and Average Earnings of at least \$12,414).

The number of MSFW workers traveling to or passing through South Dakota each year continues to remain relatively steady.

(2) Outreach Activities. The local offices outreach activities must be designed to meet the needs of MSFWs in the State and to locate and contact MSFWs who are not being reached through normal intake activities. Describe the state agency's proposed strategies for:

(A) Contacting farmworkers who are not being reached by the normal intake activities conducted by the employment service offices.

Outreach with MSFWs is done primarily through an MOU with the NFJP provider, Black Hills Special Services Cooperative (BHSSC). BHSSC schedules appointments, accepts walk-in traffic, and can provide in-person visitation to another pre-arranged location near the MSFW's home or field location. BHSSC can provide a full-range of services and referral assistance to individuals whether DLR or other support agency. DLR can also do the same with any MSFW seen or referred to a local office.

BHSSC considers itself an integral part of South Dakota's Workforce Development System. DLR agrees with this statement. This is evident through the MOUs mentioned earlier in this section, as well as a cooperating and co-located partner with DLR.

Through its outreach efforts, BHSSC has seen technology advancements in agriculture – whether from machinery, ag chemicals, and farm modernization – as a major impact on migrant workers.

Outreach is conducted by BHSSC staff visiting with locally known sites that normally utilize MSFWs, H2A workers, or large agricultural facilities, including year-round food processing plants or the areas in which these larger populations are found.

Advertising and postings in local restaurants, laundry facilities, and other gathering spots are also utilized as means of outreach.

(B) Providing technical assistance to outreach workers. Technical assistance must include trainings, conferences, additional resources, and increased collaboration with other organizations on topics such as one-stop career center services (i.e. the availability of referrals to training, support services, as well as specific employment opportunities), the employment service complaint system, information on other organizations serving MSFWs in the area, and a basic

summary of farmworker rights, including their rights with respect to the terms and conditions of employment.

South Dakota's State Monitor Advocate (SMA) provides field staff and support agency staff with resources and assistance that is solicited and unsolicited throughout the year. These resources include, but are not limited to;

- Reports made available through the state's MIS system, SDWORKS, to provide managers and staff a list of registered MSFWs in DLR offices. These reports are to be used to determine if MSFWs have received the necessary level of services and are treated equitably by staff.
- The SMA visits each local office at least once per year to ensure compliance with required postings, EO regulations, and to provide technical assistance to working with MSFWs.
- The SMA maintains the state's Employment Service complaint log. SMA ensures any complaints are properly referred to the appropriate enforcement agency, and/or are satisfactorily resolved.
- The SMA is responsible for completion of the Federal quarterly LEARS report submitted to ensure fulfillment of equity indicators are met and that employment service complaints are being handled properly.
- SMA maintains contact with Local Office managers and staff to ensure procedures, policies, and services are provided to MSFWs as well as other job seekers.
- The SMA will attend regional and national MA conferences when called by the Regional Office (RO) or National Office (NO). Upon completion of a meeting or conference, the SMA will provide relevant updates and information to LO managers and staff.
- SMA will relay directives and other related information to LO managers and staff when submitted by the Regional Monitor Advocate (RMA) or National Monitor Advocate (NMA).

At this time, the SMA also holds the position of Director of Employment Services. As Director, the SMA is in a unique position of having direct, daily contact with the Secretary of Labor and Regulation. Further, as Director, the SMA is also in charge of the TANF and SNAP E&T program work-component, oversees the Senior Community Service Employment Program (SCSEP), Foreign Labor Certification Program, all Title III (Wagner Peyser) activities, the Jobs for Veterans State Grant (JVSG), and Technical Services which includes DLR's MIS and data reporting and management division. Therefore, having access to relay information and the ability to direct and supervise key staff, assists in MSFW outcomes and oversight.

(C) Increasing outreach worker training and awareness across core programs including the Unemployment Insurance (UI) program and the training on identification of UI eligibility issues.

MSFW outreach is primarily performed in partnership by the state's WIOA 167 provider. However, it is the State Monitor Advocate's (SMA) duty to ensure state DLR Wagner-Peyser, Unemployment Insurance (UI), and Title I (training) staff are aware of MSFWs and what assistance and referral opportunities exist for MSFWs that are seen in state DLR offices.

Because of the nature of DLR's partnership with the WIOA 167 provider, Black Hills Special Services Cooperative (BHSSC) and the existing MOU maintained with them, state DLR staff work in conjunction with BHSSC staff when an MSFW is identified. Staff is knowledgeable of core programs, services, and activities and referral to UI services. Wagner-Peyser staff receives training through in-person, Dakota Digital Network (DDN), emails, and Skype meetings on a regular basis.

(D) Providing state merit staff outreach workers professional development activities to ensure they are able to provide high quality services to both job seekers and employers.

As outlined in sub-section (C) above, there are no full-time state merit staff who perform outreach activities due to the low number of MSFWs in South Dakota as well as the limited personnel resources DLR has for its local offices. However, merit staff is trained and/or aware of a wide variety of programs and services available through DLR. As one state that has true One-Stop integration of its programs, services, and partner agencies, South Dakota is fortunate to easily and seamlessly transition individuals such as MSFWs to the proper place without causing undue burden or loss of service to the individual.

(E) Coordinating outreach efforts with NFJP grantees as well as with public and private community service agencies and MSFW groups.

Black Hills Special Services Cooperative (BHSSC) operates the WIOA 167 or National Farmworkers Jobs Program (NFJP) in South Dakota. DLR and BHSSC has an ongoing partnership agreement to provide MSFWs with additional services and training opportunities in South Dakota. BHSSC maintains a daily, physical presence in the Sioux Falls, SD, DLR Local Office where most MSFW activity (East River) takes place. Additionally, BHSSC maintains an itinerant presence in all other DLR offices in the state when needed. They also are invited to DLR offices to speak at staff meetings and are annually asked to attend and present at the South Dakota Workforce Development Council (SD's WIB) meeting to discuss the NFJP program.

A new MOU between DLR and BHSSC was signed in August 2015 and between the Workforce Development Council in March 2016.

(3) Services provided to farmworkers and agricultural employers through the one-stop delivery system. Describe the State agency's proposed strategies for:

- (A) Providing the full range of employment and training services to the agricultural community, both farmworkers and agricultural employers, through the one-stop delivery system. This includes:*
- i. How career and training services required under WIOA Title I will be provided to MSFWs through the one-stop centers;*
 - ii. How the state serves agricultural employers and how it intends to improve such services.*

South Dakota maintains a strategic presence in sixteen locations (including itinerant locations) throughout South Dakota. None of these offices are considered to be significant MSFW offices nor are any bilingual offices. However, each office is prepared to provide the necessary services to any and all individuals who either need staff-assisted services or are able to provide themselves with self-service job seeking information.

Each office has individuals trained, and in most instances - cross-trained - in a variety of programs from Title III Wagner-Peyser, WIOA Title I training, Title II Adult Ed and Literacy, and strong relationships with the local Vocational Rehabilitation offices under Title IV. Although several offices have a varying degree of *physical* presence with partner agencies, partnering presence is available wherever one goes in South Dakota or the ability to have outreach services provided. South Dakota is, again, in a unique position with WIOA since Titles I, II, and III all fall under the administrative and programmatic delivery of DLR. Our strong relationship with our Vocational Rehabilitation Title IV partners provides us with a solid foundation of all core WIOA partners. Additionally, required partnerships such as TANF, SNAP E&T, SCSEP, WIOA 167, and others are already directly within our offices or a mere phone call away to provide necessary services to an individual. Other services provided under this umbrella include but is not limited to;

- Assistance with registration into Wagner-Peyser (Employment Services) process to allow an individual to obtain additional services with other programs.
- Provide assistance with job search, resume writing, interview skills, and soft-skills information through the Job Search Assistance Program (JSAP).
- Provide an array of written and electronic information (web sites) of various services provided by the AJC and its partners.
- Individuals are provided information regarding labor rights, how to file a complaint, protections, and responsibilities of employers when interviewing and hiring employees.
- The AJC will provide information and encouragement to refer and assess an eligible individual to WIOA Title I for further understanding the person's need for training, what type of training, interests, and possible support services needed.
- Each office manager and select staff have been trained on taking any ES, non-ES, or MSFW complaint and who to contact and/or refer the issue to if elevation of the complaint is needed.
- Offices have access to Language Link, a contracted, telephonic interpretive service to provide assistance to Limited English Proficient individuals when providing assistance. This is a no-charge service to any LEP individual who

requires it. This assists the state in delivering services while maintaining universality of the AJC.

- Necessary referrals to community support entities and provision of support service funds when warranted.
- Career guidance, interest inventories, skills assessments, and other support structures necessary to assist a person towards successful outcomes.

Agricultural employers are treated in the same manner as non-ag employers in terms of services provided to the ag employer. There is not a differentiation per se between the two. Every employer is looking for employees to do the work, employees with certain skills, employees capable of showing up to work on time each day scheduled, and keeping an eye open for a labor supply to continue to fill his/her jobs. Therefore, ag employers are able to receive the same level of services and information as non-ag employers. These services include but are not limited to;

- Assistance with on-line employer registrations for access to the MIS to provide a wide array of DLR services.
- Placing job orders on behalf of employers.
- Assistance with labor needs.
- Provide Labor Market Information.
- Provide opportunity for an employer to participate in job/career fairs.
- Recruitment activities to locate and obtain employees.
- Assistance with the H2A Temporary labor certification program for agricultural employers who can substantiate a labor shortage in their area for the occupation he/she desires to fill.
- DLR provides housing inspections for ag-employers who file under H2A guidelines.
- AJC offices provide employers compliance posters pertaining to labor law.
- Provide information and screening of individuals for job training and WOTC eligibility.
- Local DLR AJC offices also have individuals trained to speak directly with all businesses to advise the business about all services the AJC could provide to the employer.

(B) Marketing the employment service complaint system to farmworkers and other farmworker advocacy groups.

The South Dakota Department of Labor and Regulation has sixteen AJC locations around the state (including itinerant offices). Each office has designated its manager and assistant managers as Complaint System representatives. If an office does not have an assistant manager, the manager may designate another staff person of his/her choosing to provide back-up for the complaint system in times of the manager's absence.

The complaint representative assists all individuals who want to file a complaint, be it an ES-related, non-ES related, or MSFW complaint. Complaint representatives are also

aware of the process of providing information immediately to the SMA when a complaint pertains to an MSFW.

As part of our AJCs' outreach efforts to job seekers, program participants, MSFWs, employers, and the general public, these groups are aware that an AJC is the best place to begin when needing labor information or wanting to file a complaint against an individual or employer. Additional referrals are made to state and federal Wage and Hour, Human Rights, EEOC, OSHA, and other supporting agencies.

(C) Marketing the Agricultural Recruitment System (ARS) to agricultural employers and how it intends to improve such publicity.

The ARS is designed to meet labor needs of agricultural employers, provide job opportunities to farm workers and protect the domestic agricultural workforce. The ARS also allows for proper disclosure of the terms and conditions of employment to seasonal workers who are recruited from outside the local commuting area.

DLR intends to continue what it has done for several years; provide information and services to individuals, employers, the general public, and other interested parties, to ensure the mission of DLR is upheld. That mission simply reads;

To promote economic opportunity and financial security for individuals and businesses through quality, responsive and expert services; fair and equitable employment solutions; and safe and sound business practices.

This mission is known and is to be carried out by our local AJC offices, its staff, and our administrative (central office) staff. We make the mission a public statement to all in the public and our partner agencies to see and understand what our purpose is.

Further, a new, more interactive MIS is being developed for Titles I and III that will provide more information to individuals and staff, provide more reporting options to managers and staff, allow for more self-service searching, soft-skills training, and personal activities to be performed at a self-service level for many individuals. This will allow for more engagement by self-service people and provide more time and concentration by AJC staff for individuals who require additional services and hands-on focus. The new system, expected in late-Fall 2016 will be heavily advertised prior to its rollout to make users aware of the new system and its capabilities.

(4) Other requirements.

(A) Collaboration. Describe any collaborative agreements the SWA has with other MSFW service providers including NFJP grantees and other service providers. Describe how the SWA intends to build upon/increase collaboration with existing partners and in establishing new partners over the next four years (including any approximate timelines establishing agreements or building upon existing agreements.

Black Hills Special Services Cooperative (BHSSC) operates the National Farmworker Jobs Program (NFJP) for the entire state of South Dakota. However, most activity seen by BHSSC is in the eastern part of the state, particularly in the I-29 Corridor. Interstate 29 runs from the Iowa border at N. Sioux City, South Dakota to the northern end of South Dakota at the North Dakota border. While BHSSC maintains contact with DLR offices, its primary, physical presence within our AJC in Sioux Falls is most advantageous to the MSFW populations passing through our state.

Further, Sioux Falls is a primary “target” office for co-location and a logical choice for this due to a number of reasons;

- Sioux Falls is a large trade center for the upper Midwest. It is the largest city between Omaha, NE to the south and the Canadian Border in the north. It is also the largest city between Minneapolis to the east and Denver to the west. A total metropolitan of approximately 250,000 live in a still-vibrant agricultural area.
- Sioux Falls hosts the largest AJC in South Dakota.
- Two major interstate routes through Sioux Falls are I-29 and I-90.
- While South Dakota is not a significant MSFW state, it is seen as a “pass-through” for traveling migrant populations.
- Training and job opportunities are the highest in the state.

BHSSC and DLR have a signed MOU between our agencies. BHSSC also has a signed MOU with the Workforce Development Council (WDC). This was easily accomplished due to the strong relationship between these entities created over the years and the mutual goal of assisting job seekers within the farmworker population.

(B) Review and Public Comment. In developing the AOP, the SWA must solicit information and suggestions from NFJP grantees, other appropriate MSFW groups, public agencies, agricultural employer organizations, and other interested organizations. In addition, at least 45 calendar days before submitting its final AOP, the SWA must provide a proposed plan to NFJP grantees, public agencies, agricultural employer organizations, and other organizations expressing an interest and allow at least 30 days for review and comment. The SWA must: 1) Consider any comments received in formulating its final proposed AOP; 2) Inform all commenting parties in writing whether their comments have been incorporated and, if not, the reasons therefore; and 3) Transmit the comments and recommendations received and its responses with the submission of the AOP.

(i) The AOP must include a statement confirming NFJP grantees, other appropriate MSFW groups, public agencies, agricultural employer organizations, and other interested employer organizations have been given an opportunity to comment on the AOP. Include the list of organizations from which information

and suggestions were solicited, any comments received, and responses to those comments.

The following MSFW related organizations and agencies were provided the opportunity to submit information and comment on the PY2016 to PY2019 Unified State Plan and Agricultural Outreach Plan:

Black Hills Special Services Cooperative
National Farmworker Jobs Program
221 South Central Avenue
Pierre, SD 57501

(C) Data Assessment. Review the previous four years of Wagner-Peyser data reports on performance. Note whether the State has been meeting its goals to provide MSFWs quantitatively proportionate services as compared to non-MSFWs. If it has not met these goals, explain why the State believes such goals were not met and the State intends to improve its provision of services in order to meet such goals.

DLR data provided by its Technical Services Division, shows during Program Years (PY) 2012-2015;

Total Wagner-Peyser registrants during the dates indicated; 74,619
Total MSFW during the dates indicated (per ETA definition); 103

Overall performance goals, including Equity Ratio Indicators (ERI) and Minimum Service Level Indicators (MSLI), have been consistently met. This is especially true of ERI performance where the norm is 5 of 5, occasionally 4 of 5, for a performance level of 100% or 80% respectively.

The MSLI have been slightly more difficult for SD to reach. There are seven indicators in this section. Shortfalls in this area are usually;

- Placed in a job; This is not usually reached due to low numbers of MSFWs being served and placed in a job rarely, if ever, exceed 20% of the MSFW population being served whereas the required compliance level expected of the program is set at 42.5%;
- Reviews of significant offices; This is impossible for SD to achieve since there are no significant MSFWs in the state. USDOL must take into account that this would be the same outcome for any state that has no significant MSFW offices.
- Field checks conducted; knowing instances of placed MSFWs on farms for migrant or seasonal work by definition must first be learned, and if learned, manpower and budget to conduct a field check makes it difficult to reach this particular indicator.